

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Robertson, Anschutz &amp; Schneid, P.L.</b> 6409 Congress Ave., Suite 100 Boca Raton, FL 33487 Telephone Number 561-241-6901 Attorneys For Secured Creditor  Laura Eggerman, Esq. (LE-8250)	CASE NO.: 18-21419-JNP  CHAPTER 13
<b>In Re:</b>  <b>Sherrie P. Toto,</b>  <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

PROF-2013-S3 LEGAL TITLE TRUST II, BY U.S. BANK NATIONAL ASSOCIATION, AS LEGAL TITLE TRUSTEE ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 2), and states as follows:

1. Debtor, Sherrie P. Toto ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on June 5, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 37 LEANNE DR, WINSLOW TOWNSHIP, NJ 08081, by virtue of a Mortgage recorded on May 4, 2006 in Book 08194, at Page 0317 of the Public Records of Camden County, NJ. Said Mortgage secures a Note in the amount of \$157,000.00.
3. The Debtor filed a Chapter 13 Plan on June 5, 2018.
4. The Plan fails to mention the total amount of arrears owed. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$107,707.89. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which fails to acknowledge \$107,707.89 as the pre-petition arrearage over the life of the plan.

5. The Plan evidences an intent to seek loss mitigation. Thus far, loan modification has not been offered or approved. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).
6. The Plan does not appear feasible due to the representation that sufficient disposable income is not available to support the proposed monthly payments during the pendency of loan modification. According to their schedules I and J, the Debtor has a monthly net income of \$300.00. This amount is insufficient to support regular monthly payments of \$1,449.98. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(6) and cannot be confirmed.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Robertson, Anschutz & Schneid, P.L.  
Attorney for Secured Creditor  
6409 Congress Ave., Suite 100  
Boca Raton, FL 33487  
Telephone Number 561-241-6901

By: /s/Laura Egerman  
Laura Egerman, Esquire  
NJ Bar Number LE-8250  
Email: legerman@rasnj.com

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**CERTIFICATION OF SERVICE**

1. I, Laura Egerman, represent PROF-2013-S3 LEGAL TITLE TRUST II, BY U.S. BANK NATIONAL ASSOCIATION, AS LEGAL TITLE TRUSTEE in this matter.
2. On 6/28/2018, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

6/28/2018

Robertson, Anschutz & Schneid, P.L.  
Attorney for Secured Creditor  
6409 Congress Ave., Suite 100  
Boca Raton, FL 33487  
Telephone Number 561-241-6901

By: /s/Laura Egerman  
Laura Egerman, Esquire  
NJ Bar Number LE-8250  
Email: legerman@rasnj.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Joseph J. Rogers Washington Professional Campus 900 Route 168 Suite I-4 Turnersville, NJ 08012	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
Sherrie P Toto 37 Leanne Dr. Sicklerville, NJ 08081	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
Isabel C. Balboa Chapter 13 Standing Trustee Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court*)